

## *Local Programs Procedures*

# LPP 95 - 09 Interim Right of Way Procedures

References: See attachment

Effective Date: October 31, 1995      Approved: Chief, Office of Local Programs

The purpose of this Local Programs Procedure (LPP) is to define interim right of way procedures to be used in conjunction with the reengineering defined by LPP 95-07.

The attachment describes interim right of way procedures for federal-aid Local Assistance projects.

## EXISTING PROCEDURES

As noted in LPP 95-07 transmittal letter dated June 25, 1995, Caltrans was delegated authority to authorize projects for federal-aid participation and approve right of way certifications for projects exempt from federal review and oversight.

To ensure that project sponsors meet federal requirements, the following right of way review and approval activities by Caltrans were retained:

- Field review participation - Caltrans Right of Way personnel frequently attended the field review that was required before the initial "Request for Approval to Proceed" (FNM-76) and its successor the "Authorization to Proceed" (E-76) could be processed.
- Participation in selection and approval of right of way consultants.
- Supervision of right of way work of nonprequalified local agencies and their consultants.
- Review and acceptance of right of way certifications for the Federal Highway Administration (FHWA).
- Invoice review.

## NEW PROCEDURES

The Caltrans right of way review and approval activities listed above are revised as described in Attachment 1 for federal-aid local agency projects. The changes do not apply to projects on the State Highway System or Special Funded projects. The intent of these changes is to place responsibility and accountability for federally funded local projects with the local agencies. Caltrans will initiate process reviews on a regular basis to ensure that federal requirements continue to be met.

The consultant approval procedures are interim, pending additional systemic changes that are also being developed, and will be phased in over the next six months.

**INTERIM RIGHT OF WAY PROCEDURES**

- 1. Overview**
- 2. Field Review**
- 3. Consultants**
- 4. Right of Way Certification**
- 5. Invoices**

**EXHIBITS**

- Exhibit A Approval of Consultants for Federally-Aided Local Projects**
- Exhibit B "No Right of Way" Certification**
- Exhibit C Invoice**

## **1. Overview**

### References:

23 CFR, 107, 108, 123 et al  
49 CFR, Part 24  
*Local Programs Manual*, Volume 1, Section 14

### Applicability:

These changes apply only to federal-aid transportation projects developed by local agencies on their street, road, and other local transportation facilities. They do not apply to projects developed on the State Highway System or to Special Funded projects.

The requirements of the Uniform Relocation Assistance and Real Properties Acquisition Policy Act of 1970 as amended in 1987 are found in 49 CFR Part 24 and *the Federal Register* (Uniform Act). If federal reimbursement is requested for any phase of the project, all right of way matters must comply with the applicable federal and state laws and regulations.

ISTEA did not change the requirements of the above act. Therefore, the basic requirements for right of way procedures remain as outlined in *the Local Programs Manual*, Volume 1, Section 14. The following items describe the changes from this section.

## **2. Field Review**

As described in Attachment 3 to LPP 95-07, the field review is no longer required for non-National Highway System (NHS) projects. However, the field review form must be completed prior to approval of the environmental document needed for authorization of right of way or construction. Caltrans Right of Way personnel will only participate in local agency initiated reviews upon specific request. Their participation will be subject to personnel availability. The local agency is responsible for accurately completing the right of way items (7 & 9) on the field review form and providing any additional information which may be needed for right of way or utility activities.

## **3. Consultants**

Local Agency Reference File (LARF) 95-2 is attached as Exhibit A. It describes the interim procedures for obtaining approval of right of way consultant(s) on a project-by-project basis. Once the consultant(s) is approved, Caltrans monitoring will be on an oversight monitoring level.

## **4. Right-of-Way Certification**

LARF 95-2 and LARF 95-3 (Exhibit B) contain new right of way certification forms. If no right of way is required, the form in LARF 95-3 may be used. Otherwise, the appropriate portions of the full certification in LARF 95-2 shall be completed. Accurate completion of the form is the responsibility of the local agency and its consultant. Caltrans will continue to review and accept the right of way certification. The District Local Assistance Engineer will perform this function for "No Right of Way Required" certifications and the District Right of Way, Local Programs Unit, will act for the remaining projects.

## **5. Invoices**

A revised invoice form is included in Exhibit C. The backup summary form which shall accompany the progress invoice is included as page 3 of Form 1592A (Rev. 9/95) shown in Exhibit C. The invoice must be prepared on an agency letterhead and for each phase must include:

- All agency and project identification shown on the form including the Local Agency-State agreement number.
- Dates and amounts of funding authorized for Incidental and Capital Outlay.
- Period of expenditures (Dates) for Incidental and Capital Outlay.
- Cost breakdown for Incidental and Capital Outlay as follows:
  1. Total Cost to Date
  2. Rental Income
  3. Nonparticipating Cost to Date
  4. Subtotal - Participating Costs
  5. Participating Cost Previously Claimed
  6. Subtotal - Change in Participating Posts
  7. Reimbursement Ratio
  8. Amount of this Claim
  9. Invoice Total

Progress payment invoices shall be mailed directly to the Accounting Service Center in Sacramento at the address given in the example. No district review will be required for payment. Final payment invoices shall be submitted directly to the DLAE as part of the Final Report of Expenditures and will be reviewed in the district prior to payment.

State of California

Business, Transportation and Housing Agency

## **M e m o r a n d u m**

To: DISTRICT DIRECTORS  
Attention Local Programs Coordinators  
Right of Way

Date : August 3, 1995  
File : Local Programs  
General  
LARF 95-2

From: **DEPARTMENT OF TRANSPORTATION**  
STATE AND LOCAL PROJECT DEVELOPMENT PROGRAM

Subject: Interim Procedures for Approval of Consultants for Federally-Aided Local Projects

Attached are the final Interim Procedures Approval of Consultants for Federally-Aided Local Projects. We are currently taking steps to establish a system of pre-qualification for consultants for these projects, but because the establishment of such a system is a complex and lengthy process, we have adopted the attached as an interim measure.

These interim and longer-range steps are being taken to facilitate the use of Right of Way Consultants by local agencies with minimal delays for bureaucratic processes, while still ensuring that Caltrans continues to meet FHWA funding expectations for the monitoring of local agency projects involving federal funds. It is important for us to move rapidly to promote local agency use of private sector resources to offset the reduced Caltrans capability to perform right of way work, including project supervision on a reimbursed basis.

It should be noted that these procedures are only for Local Assistance Projects, and are not currently extended to Special-Funded Projects, nor may they be applied to State projects. Additionally, these procedures do not apply to those projects which have been approved by the Department for Caltrans to continue to perform right of way work on a reimbursed basis and are excluded from the attached. Work on those projects should continue according to their controlling contracts.

Local agency certifications should be reviewed and accepted by the Districts on receipt. These certifications should use the attached "Local Agency Certification Format", except where no right of way is required, where the "Local Agency Certification (No R/W Required) Format" (LARF 95-3) is acceptable. Note that projects with utility involvement may NOT necessarily be considered "No R/W" projects.

Local Programs Coordinators  
August 3, 1995  
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If you have any questions concerning these interim procedures, please contact Steve Ikeda at (916) 654-7244, CALNET 8-464-7244, OfficeVision node/ID TR2(SIKEDA), or e-mail at sikeda@trmx3.dot.ca.gov.

ORIGINAL SIGNED BY

ROBERT W. COLE, Chief  
Local Programs, Operations Research and  
Right of Way Engineering Branch  
Right of Way and  
Asset Management Program

Attachment

cc: District Division Chiefs - R/W  
Office of Local Programs  
Branch Chiefs - HQ R/W  
RStillwell  
Sikeda  
Jgrady

**INTERIM PROCEDURES  
APPROVAL OF CONSULTANTS  
FOR FEDERALLY-AIDED LOCAL PROJECTS**

**GENERAL**

On a project-by-project basis, Caltrans District Division Chiefs for Right of Way (RW) are authorized to approve the use of specific consultants for local agency ("off-system") projects involving federal funds. When such authorization has been granted, the monitoring applied to such projects will be at the oversight level. These procedures will be effective immediately, and will be repealed when a final pre-qualification system is established for right of way consultants. These procedures are authorized under Caltrans Right of Way Procedural Handbook Section 907.04.00 et seq. Consultant organizations need not mirror Caltrans structure—the focus of the review should be on the ability of the firm or combination of firms to deliver the right of way in a competent, timely, and cost-effective manner.

Once granted, these authorizations will remain in effect for the duration of the project through RW certification and resolution of eminent domain action (if necessary), but may be withdrawn if it is determined that the laws and regulations governing such work, including, but not limited to, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (Uniform Act), Financial Institutions Reform, Recovery and Enforcement Act of 1989 (FIRREA), the Code of Federal Regulations, and state eminent domain law are being violated and action is taken by Caltrans to withdraw the authorization.

**REQUESTING CONSULTANT APPROVAL**

Non-prequalified local agencies seeking to use federal funds for transportation projects shall include in their bid solicitation packages for right of way services notice that the prospective lowest responsive bidder must be approved by Caltrans prior to contract award.

Subsequent to identifying the lowest responsive bidder, a local agency should submit a letter to the Caltrans District Division Chief for Right of Way for the District in which it is located. The letter should be on agency letterhead and should be signed by an appropriate authorized official of the agency. The letter should include in its body or as attachments the following:

- Clear identification of the project and its location, including federal project number, if any.
- A brief list of the funding sources involved in the project.
- A request that consultants be approved to perform right of way work on the project.
- A list of the consultants' names and addresses and the functional type of right of way work for which approval is requested for each consultant.



- Firm and staff resumes, copies of pertinent licenses, permits, and/or certificates (e.g., Real Estate Broker's License, General Appraisal Certificate), list of agencies for whom work has been performed, and work samples for each consultant.
- A statement that the agency understands that if approved, project monitoring will be at the oversight level only and that responsibility for compliance with the law, including the Uniform Relocation and Real Property Acquisition Policies Act and federal stewardship requirements by consultant staff and agency staff rests with the applicant agency.
- A statement that the agency has audited with qualified accounting staff the prospective consultants and confirmed that they are capable of maintaining segregation of costs for federal reimbursement according to Caltrans' standards and requirements. Audit to be in conformance with Exhibit 09-08-03, *Caltrans Right of Way Procedural Handbook*, Volume 9.

#### CALTRANS ACTION ON RECEIVING REQUESTS

Upon receiving a request, Caltrans district staff shall perform the following tasks:

- Review the request for completeness. If additional information is needed, the applicant agency shall be notified immediately.
- For those consultants with whom Caltrans staff have had experience and whose level of experience and training are considered to be adequate to perform the work for which approval is requested, approval may be granted. A file memorandum shall be completed regarding the Department's specific project experience with the consultants as the basis for this determination, signed by a Senior Right of Way Agent, minimum.
- For those consultants whose work is unknown to Caltrans staff, appropriate contacts and review of work history and samples shall be made to determine their level of experience and training. If that level is appropriate to the level of work for which approval is requested, approval may be granted.
- For those consultants whose level of experience and training are not found to be adequate for the proposed work, staff shall consult with the applicant agency and advise them of the problem.
- When sufficient consultants have been approved for a project, Caltrans shall respond to the requesting agency with a letter of approval. This letter shall clearly state any changes from the letter of application. A copy of this letter shall be forwarded to the Right of Way Local Programs Unit in Sacramento. Approvals shall be specific as to consultant and functional area. Changes in consultant or functional area shall be subject to Caltrans review and approval.

Time is of the essence for these reviews. Consequently, normal review time for complete application packages shall be no more than five working days. Where additional data is required from the applicant agency or consultant, extensions of this response time may be appropriate.

#### **DELEGATION**

The authority to grant such approvals is delegated to the District Division Chief for Right of Way, and is not to be delegated below the Senior Right of Way Agent level.

#### **MONITORING**

Monitoring will be performed at the oversight level on projects where this approval has been granted. This means that Caltrans will post-audit projects on a spot check basis—not every project will be reviewed, and of those projects that are reviewed, not every file will be reviewed. Caltrans reserves the right to conduct monitoring activities at any time after project inception.

Spot-check monitoring shall normally be limited to no more than 25 percent of total work performed, but no fewer than four files/reports are to be reviewed from projects selected for monitoring. Additional reviews shall be made only in the instance that violations of applicable laws are discovered, and then only to determine if the violations are prevalent or are anomalous. The reviewer shall bring these violations to the attention of the local agency for correction. It shall be the responsibility of the agency to ensure correction. Caltrans will monitor and verify that appropriate corrective action has been taken in a timely manner.

Selection of projects to monitor shall be at the discretion of the district, based on familiarity with the project, local agency, and consultants, as well as the complexity of the RW issues. These factors may also be considered to warrant monitoring prior to certification; however, this should be the exception rather than the rule.

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION  
**LOCAL AGENCY CERTIFICATION FORMAT**

PAGE 1 OF 7

**RIGHT OF WAY CERTIFICATION**

**CITY OF** \_\_\_\_\_  
(OR)

**COUNTY OF** \_\_\_\_\_

**ONLY THE PARAGRAPHS RELATING TO  
THE SPECIFIC PROJECT SHOULD  
BE USED**

**PROJECT:**

\_\_\_\_\_  
Federal Program (if available)

\_\_\_\_\_  
Project Location

\_\_\_\_\_  
Limits

\_\_\_\_\_  
General Description

**RIGHT OF WAY CERTIFICATION NO.** \_\_\_\_\_  
(Insert 1, 2, or 3 for the type of  
Certification being made)

**1. STATUS OF REQUIRED RIGHT OF WAY**

- A. The acquisition of right of way was not required. All work proposed is within existing right of way acquired for a previous construction project.

(OR)

- B. Right of way (has been) (will be) acquired in accordance with applicable policy and procedure covering the acquisition of real property. (City/County) (has) (will have) legal and physical possession and right to enter on all land as follows: (Note: Parcels shown in Items "a" through "f" should total the number shown in Item B.1.)

1. Total number of parcels required \_\_\_\_\_

- a. Parcels acquired (escrow closed or Final Order of Condemnation recorded.) \_\_\_\_\_ \*

- b. Parcels covered by Order for Possession. \_\_\_\_\_ \*

Parcel No.	Owner	Effective Date
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- c. Parcels covered by Right of Entry. \_\_\_\_\_ \*

Parcel No.	Owner	Type**	Effective Date	Date Funds Made Available to Owner++
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- d. Parcels covered by a Right of Entry executed prior to appraisal. \_\_\_\_\_

Parcel No.	Owner	Effective Date
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\* Note: Detail should be added showing expiration dates of documents with fixed termination dates, such as temporary easements.

\*\* Either RE or RE in approved RC (Right of Way Contract)

++ If no entry is made in this column a full explanation is required.

**LOCAL AGENCY CERTIFICATION FORMAT (Cont.)**

PAGE 2 OF 7

- e. Parcels covered by Resolution of Necessity only. \_\_\_\_\_\*

(Used only rarely in a Cert. No. 3 situation where the project must be advertised, the Resolution of Necessity has been adopted but the Order of Possession [OP] has not yet been served.)

<b>Parcel No.</b>	<b>Owner</b>	<b>Anticipated OP Effective Date</b>
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- f. Parcels covered by other acquisition documents as follows: (Explain)\_\_\_\_\_\*
- This section is meant to cover acquisitions where the document is a license, permit, etc., not otherwise covered by Paragraph a, b, c, d, or e above.)

2. Construction Permits, etc., required. \_\_\_\_\_\*

<b>Location (P.M.)</b>	<b>Owner</b>	<b>Type Document</b>	<b>Effective Date</b>	<b>Expiration Date</b>
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**2. STATUS OF ACCESS CONTROL**

- A. Conventional Highway (or other type facility) Not required (or)
- B. Interstate Highway (or)
- C. Non-Interstate Access Controlled Highway (or other facility with access control) (Access Being Acquired-use with [b] or [c] above.) Except as provided in the approved plans for the project, all rights of access to or from the section of highway to be improved under the project and the abutting property either are prohibited by law, or have been acquired, or are being acquired in condemnation proceedings heretofore commenced and which will be prosecuted to completion.

**(OR)**

(Access Previously Acquired-use with [b] or [c] above.) Except as provided in the approved plans for the project, all rights of access to or from the section of highway to be improved under the project and the abutting property either are prohibited by law or have been acquired under a previous project.

**3. STATUS OF AFFECTED RAILROAD OPERATING FACILITIES**

No railroad operating facilities are affected.

**(OR)**

Clearance letter has been received from Office of Structures. This project is now satisfactory for advertising insofar as the \_\_\_\_\_ Railroad is concerned.

**(OR)**

(If the clearance letter has not been received from the Office of Structures, explain the railroad involvement, e.g., service contract, clauses in contract special provisions, etc., giving the name(s) of the railroad(s) involved. Include a statement that the certification is subject to the clearance letter from the Office of Structures.) This paragraph may only be used if there are no railroad parcels (rights of entry, etc.) that are dependent upon the execution of a construction and maintenance agreement with the railroad(s).

\* Note: Detail should be added showing expiration dates of documents with fixed termination dates, such as temporary easements.

\*\* Either RE or RE in approved RC (Right of Way Contract)

++ If no entry is made in this column a full explanation is required.

**LOCAL AGENCY CERTIFICATION FORMAT (Cont.)**

PAGE 3 OF 7

**4. MATERIAL SITE(S)**

None required

Select appropriate statement

Commercial

Optional site(s) secured as follows:

Mandatory site(s) secured as follows:

**Parcel/**

**Agreement #**

**Owner**

**Document/Effective**

**Date**

**Expiration**

**Date**

**5. DISPOSAL SITE(S)**

None required

Select appropriate statement

Commercial

Optional site(s) secured as follows:

Mandatory site(s) secured as follows:

**Parcel/**

**Agreement #**

**Owner**

**Document/Effective**

**Date**

**Expiration**

**Date**

**6. STATUS OF REQUIRED UTILITY RELOCATIONS**

None required

Select appropriate statement

**(OR)**

All utility work has been completed.

**(OR)**

All utility work will be completed by a stated date prior to award of the contract (see schedule below).

**(OR)**

All necessary arrangements have been made for the completion of all remaining utility work required to be coordinated with project construction. The special provisions in the contract provide for the coordination (see schedule below).

**(AND)**

Arrangements have been made with the owners of all conflicting utility encroachments which will remain within the right of way of the project so that adequate control of the right of way will be achieved. **NOTE:** Utility notices must have been issued.

**(AND)**

Federal participation has been authorized. (If applicable.)

**(AND)**

**LOCAL AGENCY CERTIFICATION FORMAT (Cont.)**

PAGE 4 OF 7

The following utilities are located within the project rights of way but require no relocation:

**Company**

**Type Facility**

**(AND)**

The following utilities are in conflict with the project and require relocation as follows (if applicable):

<b>Right of Way Notice No.</b>	<b>Notice Date</b>	<b>Company</b>	<b>Liability (Owner = 0) (City/County) = C</b>	<b>Type Facility</b>	<b>Relocation Schedule Date (OR) Concurrent with Construction (OR) Bid Item *</b>
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\*Additional information required for each bid item:

<b>Bid Item No.</b>	<b>Type Facility</b>	<b>Liability (Owner/City or County)</b>	<b>Federal Participation (Yes/No) If yes, a copy of Specific Authorization to Relocate Utilities memorandum must be attached.</b>
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**7. RIGHT-OF-WAY CLEARANCE**

There were no improvements or obstructions located within the limits of this project.

**(OR)**

All right of way clearance work has been completed and there are no improvements or obstructions remaining within the right of way area required for construction.

**(OR)**

All necessary arrangements have been made for remaining right of way clearance work to be undertaken and completed as required for proper coordination with the construction schedule as follows:

<b>Parcel No.</b>	<b>Location P.M.</b>	<b>Description</b>	<b>Salvable/ Non-Salv.</b>	<b>Method of Disposal</b>	<b>Date Site Available to Const. Contractor</b>
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**8. AIRSPACE AGREEMENTS**

There are no airspace lease properties within the limits of this project.

**(OR)**

All necessary arrangements have been made with airspace lessee(s) and/or in Contract Provisions to minimize conflicts between lessee's activities and contractor's operations.

**(OR)**

Airspace lease (describe) has been canceled effective (date).

**LOCAL AGENCY CERTIFICATION FORMAT (Cont.)**

PAGE 5 OF 7

(OR)

(Explanation of other disposition of airspace lease area.)

**9. COMPLIANCE WITH RELOCATION ASSISTANCE PROGRAM REQUIREMENTS**

Compliance was not required as there were no displacements for this project.

(OR)

The project has no occupied parcels. (Except as explained below.)\* The (City/County) has complied with all the steps relative to relocation advisory assistance and payments as required by applicable policy and procedure, and no person has been required to relocate without at least 90 days written notice. If residential relocation was involved, all individuals and/or families have been relocated to decent, safe and sanitary housing, or the (City/County) has made replacement housing available to the relocatees.

**\*\*NOTE:** (Remove words in parenthesis if not applicable.)

**Types of relocation involved on this project:**

Personal property relocation  
Residential relocation  
Business, farm or nonprofit relocation

**NOTE:** (Enter only those types involved in the specific project.)

**Exceptions:**

Occupants of residences, businesses, farms or nonprofit organizations who have not yet moved from the right of way will be protected against unnecessary inconvenience and disproportionate injury or any action coercive in nature.

<b>Parcel No.</b>	<b>Location (P.M.)</b>	<b>Name of Occupant (Owner) (Tenant)</b>	<b>Date to Vacate</b>	<b>Type of Occupancy (Res., Bus., Farm, Nonprofit Org., or Personal Property only)</b>
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**Explanation:** (Explain above exceptions.)

**10. COOPERATIVE AGREEMENTS (Optional Entry)**

None required

(OR)

**Agency**

**Agreement No.**

**11. ENVIRONMENTAL MITIGATION**

No environmental mitigation parcels are required for this project.

(OR)

**LOCAL AGENCY CERTIFICATION FORMAT (Cont.)**

PAGE 6 OF 7

All environmental mitigation parcels on the project have been acquired.

**(OR)**

Acquisition of environmental mitigation parcels is ongoing. Explanation.

**12. CERTIFICATION**

I hereby certify the right of way on this project as conforming to 23 CFR 635.309(C)(1) **(OR)** (C)(2). The project may be advertised with contract award being made at any time.

**(OR)**

I hereby certify the right of way on this project as conforming to 23 CFR 635.309(C)(3). The project may be advertised at any time. The project will be certified as conforming to Paragraph (C)(1) **(OR)** (C)(2) by:

\_\_\_\_\_  
(date)

**(AND)**

Explanation and reasons why a #3 certification is being used and substantiation that the Cert. #1 or #2 date given above is realistic.

**(OR)**

The following certification statement will be used on the initial submittal of Special Certification No. 3:

"I hereby certify the right of way on this project as conforming to 23 CFR 635.309(C)(3). The project may be advertised at any time. Approvals are attached for the work-around. Appropriate notification has been included in the bid documents. An updated Certification No. 3 will be provided by \_\_\_\_\_."

The following certification statement will be used on the updated Special Certification No. 3 required no later than 15 days prior to bid opening:

"I hereby certify the right of way on this project as conforming to 23 CFR 635.309(C)(3). The project has been advertised and the contract may be awarded. Approvals are attached for the work-around. I have confirmed that all appropriate notifications have been included in the bid documents concerning said work-around."

CITY OF \_\_\_\_\_

**(OR)**

COUNTY OF \_\_\_\_\_

By: \_\_\_\_\_  
(person must be authorized in writing to sign  
certification for Local Public Agency.)

Title: \_\_\_\_\_

Date: \_\_\_\_\_



State of California

Business, Transportation and Housing Agency

## **M e m o r a n d u m**

To: DISTRICT DIRECTORS

Date : August 7, 1995

Attention Local Programs Coordinators  
Right of Way

File : Local Programs  
General  
LARF 95-3

From: **DEPARTMENT OF TRANSPORTATION**  
STATE AND LOCAL PROJECT DEVELOPMENT PROGRAM

Subject: Local Agency Right of Way Certifications - "No Right of Way" Certifications

Attached is a short-form, checklist certification for local agency use in lieu of the long-form Local Agency Certification distributed by memorandum on February 2, 1995. Its use is restricted to those projects where there are no rights required for the project, no displacement and no utility relocations, except as noted here.

Those projects where the sole right-of-way involvement is with utilities, and the utilities are owned by the sponsoring local agency, or where a liability determination establishes the utilities are in place under franchise, may also be certified using this format. In the former case, the local agency may be expected to coordinate with its own functional units to relocate their facilities. In the latter case, the risk is minimized by the nature of franchise agreements between utility companies and local agencies.

It will be the responsibility of the person reviewing these certifications, normally the Local Assistance Engineer, to ensure that no "YES" boxes are checked, and no items are unanswered. If all boxes are "NO," and all items are addressed, the Local Assistance Engineer is to accept the certification on behalf of the Department. If any responses are "YES," the Local Assistance Engineer is to forward the certification to District Right of Way, Local Programs Unit, for investigation. If any items are not addressed, the Local Assistance Engineer is to follow-up with the local agency to complete the certification.

If you have any questions concerning this certification format, please contact Steve Ikeda at (916) 654-7244, CALNET 8-464-7244, OfficeVision node/ID TR2(SIKEDA), or e-mail at sikeda@trmx3.dot.ca.gov.

ROBERT W. COLE, Chief  
Local Programs, Operations Research and  
Right of Way Engineering Branch  
Right of Way and  
Asset Management Program

Attachment

cc: District Division Chiefs - R/W  
Office of Local Programs  
Branch Chiefs - HQ R/W  
RStillwell, SIkeda, JGrady

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION

**LOCAL AGENCY CERTIFICATION FORMAT (NO R/W REQUIRED)**

(REV. 8/7/95)

PAGE 1 OF 2

**RIGHT OF WAY CERTIFICATION**

**CITY OF** \_\_\_\_\_

(OR)

**COUNTY OF** \_\_\_\_\_

\_\_\_\_\_  
(Date Prepared)

**PROJECT:**

\_\_\_\_\_  
Federal Program (if available)

\_\_\_\_\_  
Project Location

\_\_\_\_\_  
Limits

\_\_\_\_\_  
General Description

**RIGHT OF WAY CERTIFICATION NO. 1**

**YES    NO**

1. ☐ ☐ **STATUS OF REQUIRED RIGHT OF WAY**  
Is additional right of way required? Is any work proposed by this project outside existing right of way acquired, or are additional utility relocations required?
2. ☐ ☐ **STATUS OF ACCESS CONTROL**  
Are additional access rights required for this project?
3. ☐ ☐ **STATUS OF AFFECTED RAILROAD OPERATING FACILITIES**  
Are any railroad operating facilities affected by this project?
4. ☐ ☐ **MATERIAL SITE(S)**  
Are material sites required for this project?
5. ☐ ☐ **DISPOSAL SITE(S)**  
Are disposal sites required for this project?
6. ☐ ☐ **STATUS OF REQUIRED UTILITY RELOCATIONS**  
Is relocation of utilities not in place under franchise required? (This does not include the relocation of utility facilities owned and operated by the sponsoring LPA.)
7. ☐ ☐ **RIGHT OF WAY CLEARANCE**  
Are there improvements or obstructions located within the limits of this project?
8. ☐ ☐ **AIRSPACE AGREEMENTS**  
Are there airspace lease agreements within the limits of this project?

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION

**LOCAL AGENCY CERTIFICATION FORMAT (NO R/W REQUIRED)**

(REV. 8/7/95)

PAGE 2 OF 2

**YES    NO**

9.                    **COMPLIANCE WITH RELOCATION ASSISTANCE PROGRAM REQUIREMENTS**  
☐                   ☐                   Are there displacements for this project?

10.                   **COOPERATIVE AGREEMENTS**

Agency:

Agreement No.:

11.                   **ENVIRONMENTAL MITIGATION**

☐                   ☐                   Are there environmental mitigation parcels required for this project?

12.                   **CERTIFICATION**

I hereby certify the right of way on this project as conforming to 23 CFR 635.309(C)(1). The project may be advertised with the contract award being made at any time.

CITY OF \_\_\_\_\_

(OR)

COUNTY OF \_\_\_\_\_

By: \_\_\_\_\_  
(person must be authorized in writing to sign  
certification for Local Public Agency.)

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**SAMPLE FEDERAL-AID INVOICE  
MULTI PHASE EA  
RIGHT OF WAY**

*(LETTERHEAD OF LOCAL AGENCY)*

**Date of Invoice**

(For Progress Invoice)  
Department of Transportation  
Accounting Service Center  
Local Program Accounting Branch  
P.O. Box 942874  
Sacramento, CA 94274-0001

(For Final Invoice)  
**Name**, District Director  
Department of Transportation  
**Street or P.O. Box**  
**City, CA Zip Code**

Attention: **Name**, Local Assistance Engineer

Billing No: **1,2..., or Final**  
Invoice No: **Local Agency's Invoice No.**  
Federal-Aid Project No: **Prefix-Proj. No. (Fed. Agreement No.)**  
Tax Identification No: **Agency IRS ID Number**  
Project Completion Date: **Date of Contract Completion**  
Date Project Accepted by City/County: **Final Date or "Ongoing" if not Final**  
Project Location: **Project Limits**

Reimbursement for federal funds is claimed pursuant to Local Agency-State Agreement No. **Number**,  
Program Supplement No., **Number**, executed on **Date**.

	Phase 9 Capital	Phase 2 Incidental	Total
Federal Appropriations Code	33D	33D	33D
District - Expenditure Authorization No.	03-023459	03-023452	
Federal Authorization Date	08/30/94	08/30/94	
Federal participating costs from	10/05/94	08/30/94	
to	02/30/95	02/30/95	
Federal-aid Agreement Amount	\$2,400,000	\$300,000	
Total Costs	\$1,133,907	\$ 243,642	
Less: Rental Income	0	(12,250)	
Nonparticipating Costs	(20,750)	(64,356)	
Federal Participating Costs to Date	\$1,113,157	\$167,036	
Less: Participating Costs on Previous Invoice	\$980,165	\$150,794	
Change in Participating Costs	\$132,992	\$16,242	
Reimbursement Ratio	88.53%	88.53%	
Amount of this claim	\$117,737.81	\$14,379.04	\$132,116.85
INVOICE TOTAL:	\$132,116.85		

1. I certify that to the best of my knowledge and belief the above data is correct: that adequate title to the necessary right of way has been acquired for the herein above described federal-aid project in the name of the **Local Agency name** for the amount of just compensation based on bona fide appraisals duly qualified as required by the right-of-way procedures of the Federal Highway Administration and other written justification now contained in the **Local Agency** files, in accordance with procedures as submitted and accepted by the Director.
2. I further state that this certification is made in my official capacity as **Title**, pursuant to Section 1.31 of Title 23 of the Code of Federal Regulations and Section 121 of Title 23, United States Code, for the purpose of securing, pursuant thereto, by the **Local Agency**, federal-aid funds in connection with the above designated federal-aid highway project, and that neither I nor, to the best of my knowledge, any officer, agent or employee of the **City, County** authorized in any official capacity to perform services in connection with the appraisal or acquisition of any such right of way has any interest or contemplates any benefit from any transaction which involves acquisition of property for right of way for such project, other than as herein disclosed.

\_\_\_\_\_  
Signature, Title and Unit of Local Agency Representative

\_\_\_\_\_  
Phone No.

Note: When multiplying "Change in Participating Costs" by "Reimbursement Ratio," the result is rounded to the lowest cent. Federal rules do not allow rounding up.

ATTACHMENT TO RIGHT OF WAY PROGRESS PAYMENT NO. \_\_\_\_\_

Project Number \_\_\_\_\_

Description	Parcel No. or Utility Agr. No.	Non-Participating Costs	Participating Costs	Total
Acquisition: R/W	_____	\$	\$	\$
Excess		\$	\$	\$
Improvements				
Damages		\$	\$	\$
RAP		\$	\$	\$
Utility Relocation	_____	\$	\$	\$
Interest		\$	\$	\$
Goodwill		\$	\$	\$
Property Management Costs: (Final Claims only)				
Clearance and Demolition		\$	\$	\$
Rental		\$	\$	\$
Sales				
Total Capital Costs		\$	\$	\$
Incidental Costs		\$ _____	\$ _____	\$ _____
Total Costs		\$	\$	\$
Federal Reimbursement Ratio			_____	
Total Eligible Costs, Claim # _____			\$ _____	